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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Tony Manzo, *et al.*,

10 Plaintiffs,

11 v.

12 Engrained Cabinetry and Countertops LLC,
13 *et al.*,

14 Defendants.

No. CV-22-08081-PCT-JJT

**ORDER SETTING FINAL
PRETRIAL CONFERENCE FOR
BENCH TRIAL**

15 **IT IS ORDERED** that the parties shall file a Notice of Filing and attaching a Joint
16 Proposed Pretrial Order by **July 8, 2024**, which shall be in the Form of Joint Proposed
17 Pretrial Order attached to this order. Statements made shall not be in the form of a question,
18 but should be a concise narrative statement of each party's contention regarding each
19 uncontested and contested issue. The parties shall e-mail the Joint Proposed Pretrial Order
20 to the Chambers mailbox at tuchi_chambers@azd.uscourts.gov in WordPerfect or Word
21 format.

22 **IT IS FURTHER ORDERED** that the parties shall file the following with the Joint
23 Proposed Pretrial Order:

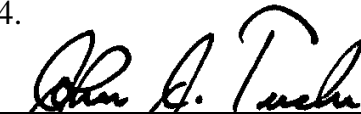
24 1. A Trial Memorandum of Law for each party. The memorandum shall be brief
25 but must address all questions of law, including evidentiary issues that the party anticipates
26 will arise at trial.
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2. Since this case will be tried to the Court, rather than to a jury, in addition to filing a Joint Proposed Pretrial Order, each party shall also submit very brief Proposed Findings of Fact and Conclusions of Law.

IT IS FURTHER ORDERED that, while Motions *in Limine* are generally discouraged, the parties shall file and serve all Motions *in Limine* no later than five business days prior to the filing of the Joint Proposed Pretrial Order. Responses shall be filed no later than the filing of the Joint Proposed Pretrial Order. The lawyers for all parties shall come to the Final Pretrial Conference prepared to address the merits of all such motions; no replies shall be filed. Motions *in Limine* and responses shall not exceed four pages and shall be limited to matters which might avoid a mistrial.

IT IS FURTHER ORDERED that the lawyers for each party who will be responsible for trial of the lawsuit shall appear and participate in a **Telephonic**¹ Final Pretrial Conference on **July 15, 2024**, at **9:00 AM** (Arizona time) in Courtroom 505, 401 W. Washington Street, Phoenix, AZ 85003 before Judge John J. Tuchi. At the Final Pretrial Conference, the Court will review the Final Pretrial Order and give any additional instructions for trial preparation. The bench trial shall commence on **August 12, 2024**.

Dated this 19th day of March, 2024.


 Honorable John J. Tuchi
 United States District Judge

¹ Scheduling hearings, as well as most uncontested civil hearing before Judge Tuchi, are being held telephonically. Counsel or self-represented parties have the option to appear in person. Chambers will e-mail counsel or self-represented parties call-in information prior to the hearing, at which time they can inform the Court via reply e-mail if they will appear in person or telephonically.

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14 Defendants.

No. CV-22-08081-PCT-JJT

**JOINT PROPOSED PRETRIAL
ORDER FOR A BENCH TRIAL**

15 The following is the form of Joint Proposed Pretrial Order to be considered at the
16 Final Pretrial Conference set for **July 15, 2024**, at **9:00 AM** (Arizona time) before Judge
17 Tuchi.

18 1. **TRIAL COUNSEL FOR THE PARTIES**

19 Include mailing address, office phone and fax numbers.

20 Plaintiff(s):

21 Defendant(s):

22 2. **STATEMENT OF JURISDICTION/VENUE**

23 Cite the statute(s) or rule(s) which give(s) this court jurisdiction and venue
24 (*e.g.*, jurisdiction in this case is based on diversity of citizenship under 28 U.S.C. § 1332).

25 3. **NATURE OF ACTION**

26 Provide a **concise** statement (no more than one page) of the kind of case, the
27 cause of action, and the relief sought. (*e.g.*, - This is a products liability case in which the
28 plaintiff seeks damages for personal injuries sustained when he fell from the driver's seat

of a forklift. The plaintiff contends that the forklift was defectively designed and manufactured by the defendant and that the defects were a producing cause of his injuries and damages.)

4. **STIPULATIONS AND UNDISPUTED FACTS**

5. **WITNESSES**

Provide a separate list for each party of all witnesses (including experts) whom the party will call in person or through deposition, except witnesses who may be called only for impeachment. If a witness will appear by deposition only, the party calling the witness will give notice of the pages to be read to all other parties on or before the date the proposed pretrial order is lodged. (Do not include deposition pages in the pretrial order).

6. **EXHIBITS**

Each party must submit with this proposed order a list of numbered exhibits, with a description of each containing sufficient information to identify the exhibit. Document admissibility issues should be resolved by stipulation before trial. The parties should work with the clerk to mark all exhibits directly into evidence unless a good faith objection will be raised at trial.

7. **INFORMATION FOR COURT REPORTER**

In order to facilitate the creation of an accurate record, please file a “Notice to Court Reporter” one week before trial containing the following information that may be used at trial:

1. Proper names, including those of witnesses.
2. Acronyms.
3. Geographic locations.
4. Technical (including medical) terms, names or jargon.
5. Case names and citations.

APPROVED AS TO FORM AND CONTENT:

Plaintiff/Attorney for Plaintiff

Attorney for Defendants

THIS JOINT PRETRIAL ORDER IS HEREBY APPROVED

ON THIS _____ DAY OF _____, 20____